

Senate File 2389

H-8660

1 Amend Senate File 2389, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 19, line 15, after <Act> by inserting <,
4 except that a city or county applying smart planning
5 principles and guidelines shall not implement or
6 undertake a planning, zoning, development, or resources
7 management decision that involves the use of eminent
8 domain authority under chapter 6A or 6B>
9 2. Page 24, after line 1 by inserting:
10 <0A *Property rights.* Planning, zoning,
11 development, and resource management shall take into
12 account the impact of decisions upon the property
13 rights of landowners and shall consider opportunities
14 to avoid the infringement or deprivation of those
15 rights.>
16 3. Page 67, after line 17 by inserting:
17 <Sec. _____. Section 6B.14, subsection 2, Code
18 Supplement 2009, is amended to read as follows:
19 2. Prior to the meeting of the commission, the
20 commission or a commissioner shall not communicate
21 with the applicant, property owner, or tenant, or
22 their agents, regarding the condemnation proceedings.
23 The commissioners shall meet in open session to view
24 the property and to receive evidence, but may and
25 shall deliberate and vote in closed open session.
26 ~~When deliberating in closed session, the meeting~~
27 ~~is closed to all persons who are not commissioners~~
28 ~~except for personnel from the sheriff's office if~~
29 ~~such personnel is requested by the commission. After~~
30 ~~deliberations commence, the commission and each~~
31 ~~commissioner is prohibited from communicating with~~
32 ~~any party to the proceeding unless such communication~~
33 ~~occurs in the presence of or with the consent of the~~
34 ~~property owner and the other parties who appeared~~
35 ~~before the commission or their agents. However, if~~
36 ~~the commission is deliberating in closed session, and~~
37 ~~after deliberations commence the commission requires~~
38 ~~further information from a party or a witness, the~~
39 ~~commission shall notify the property owner and the~~
40 ~~acquiring agency that they are allowed to attend the~~
41 ~~meeting at which such additional information shall~~
42 ~~be provided but only for that period of time during~~
43 ~~which the additional information is being provided.~~
44 ~~The property owner and the acquiring agency shall~~
45 ~~be given a reasonable opportunity to attend the~~
46 ~~meeting.~~ The commission shall keep minutes of all its
47 meetings showing the date, time, and place, the members
48 present, and the action taken at each meeting. The
49 minutes shall show the results of each vote taken and
50 information sufficient to indicate the vote of each

1 member present. ~~The vote of each member present shall~~
2 ~~be made public at the open session.~~ The minutes shall
3 be public records open to public inspection.>

4 4. Page 77, after line 30 by inserting:
5 <Sec. _____. NEW SECTION. 21.12 Condemnation
6 proceedings — deliberations.

7 Compensation commissioners shall meet, deliberate,
8 and vote in open session when condemning private land
9 through the process established in chapter 6B pursuant
10 to section 6B.14, subsection 2.>

11 5. By renumbering as necessary.

KAUFMANN of Cedar

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